

Online workshop on patents 16-10-2025



De Bolster Organic Seeds

Family owned breeding company
Founded in 1978
Coöperation since 2023

100% organic seeds
Assortiment of 340 varieties

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Our values

- 100% Organic
- Varieties made for the needs of organic growers
- Free of patents
- Free of GMO



Consequences of patents in breeding

- The choice what we work on
 - Are there already a lot of patents in a crop?
 - Are the main characteristics patented?
- Uncertainty
 - What we work on, will it be patented by others?
 - Can we work on something that has a pending patent?
- Delay
 - Will a claimed patent be granted?
 - Extra research needed to check if a resistance falls under a patent



Concequences of patents in breeding

- Extra work
 - Checks of genebank material
 - Not only at acquisition, but with every new patent
 - Now already ~1000 patents. This increases every month
 - For a check markers or sequence information is needed
- Chance to get blocked
 - Can we work without a licence?
 - Will a licence be granted by the patentholder?
- Adventitious presence
 - Claims of patentholders
 - Cost
 - Legal
 - Discarded seedlots
 - The proof on us
 - Credibility of the company



Concequences of patents in breeding

- Cost
 - More expensive checks
 - Licences
 - Discarded breeding programs
 - Lost sales



Consequences of patents in breeding

- Market concentration
 - The big companies will claim as much patents as possible
 - NGT's will accelerate this
 - New concept -> no need to make varieties
- Companies without patents can not compete
- Licencing platforms
 - Already 2 different platforms, run by patent holders
 - You have to pay to get admission, you have to pay for a licence
 - Without patent portfolio you can't exchange patents
 - Multiple patents on varieties -> this gives an unsustainable situation



Consequences of patents in breeding

- What about: patents free of use for small companies
 - In my view: a way to silence resistance to patents
 - Keeps small businesses small and dependent on patentholders
- Growers and consumers will be affected
 - Less choice in breeding companies
 - Less choice in varieties
 - Higher prices



What we do

- Check for new patents every month
 - GFPI-Service GmbH-Patentnewsletter – Plantum
 - Pinto database – Euroseeds
 - ILP – International Licensing Platform
 - ACLP – Agricultural Crop Licensing Platform
 - Patents.Google.com
 - Register.Epo.org
 - patentscope.wipo.int
- Have an accurate breeding administration
 - Nagoya protocol
- Never use varieties that have a patent



Patents on ToBRFV

- Situation
 - High-tech growers demand resistant varieties
 - We have good varieties, but must add this resistance
 - 24 patent applications in one crop for one disease!
 - Claims on resistances but also on virus itself and methods of testing
 - Patents granted:
 - Vilmorin (EP3629711)
 - Rijk Zwaan (EP3735125)
 - Enza Zaden (EP3911147)

NEW ToBRFV mutation



Patents on ToBRFV

- What can we do?
 - Find other resistance genes:
 - Does it fall under any of the patents?
 - But maybe in future?
 - Are we allowed to test for resistance?
 - Which company to contact about patents?
 - Accept patents on our varieties?
 - File opposition to every patent?
 - Stop the tomato breeding program?



What do we need

- Clear rules
- Freedom to operate in classical breeding
 - Patent free zone
 - Limited scope of patents
- Plant variety protection system
- No vote on NGT's before patent discussion is settled



Thank you & time for questions

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